



Patent Case No. 18972PCA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Donnelly et al.

Serial No.: 09/835,694

Filed: April 16, 2001

Group Art Unit: 1636

Examiner: Terry A. McKelvey

For: NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA  
VIRUS (as amended herein)

**PETITION FOR EXTENSION OF TIME UNDER § 1.136(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Applicant(s) hereby petition(s) to the Commissioner for Patents for an extension of the shortened statutory period for replying to the outstanding Office Action dated 2/25/04 in the above-identified application. A response to said Action is (is not) attached hereto.

Please charge the following fee to Deposit Account No. 13-2755:

- ☒ \$110 -- First Month Extension  
☐ \$420 -- Second Month Extension  
☐ \$950 -- Third Month Extension  
☐ \$1480 -- Fourth Month Extension  
☐ \$2010 -- Fifth Month Extension

04/23/2004 MBERHE 00000157 132755 09835694  
01 FC:1251 110.00 DA

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account **13-2755**. Duplicate copies of this sheet are enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By J. Mark Hand Date 4/20/04  
MERCK & CO., INC.

Respectfully,

By: J. Mark Hand

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 36,545

MERCK & CO., INC.  
Patent Dept., RY60-30  
P.O. Box 2000  
Rahway, N.J. 07065-0907

(732) 594-3905 \_\_\_\_\_

Date: April 20, 2004

IN DUPLICATE



# FEE TRANSMITTAL

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$110

## Complete if Known

Application Number	09/835,694
Filing Date	April 16, 2001
First Named Inventor	Donnelly et al.
Examiner Name	Terry A. McKelvey
Group Art Unit	1636
Attorney Docket Number	18972PCA

## METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number

13-2755

Deposit Account Name

Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	Utility filing fee	
1002	340	Design filing fee	
1004	770	Reissue filing fee	
1005	160	Provisional filing fee	
SUBTOTAL(1)			\$0

### 2. EXTRA CLAIM FEES

	Extra	Fee from below	Fee Paid
Total Claims	20 ** =	0 x \$18 =	0
Independent Claims	3 ** =	0 x \$86 =	0
Multiple Dependent Claims		\$290 =	

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	**Reissue claims in excess of 20 and over original patent
SUBTOTAL(2)		

\$0

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1251	110	Extension for reply within first month	110
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL(3)			\$110

## SUBMITTED BY

Typed or Printed Name

J. Mark Hand

Signature

*J. Mark Hand*

Date

04/20/2004

## Complete (if applicable)

Reg. Number

36,545

Deposit Account User ID

Application Number: 09/835,694  
Filing Date: 04/16/2001  
First Named Inventor: Donnelly et al.  
Group Art Unit: 1636  
Examiner Name: Terry A. McKelvey  
Attorney Docket Number: 18972PCA

---

**FIRST CLASS MAIL CERTIFICATE**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

**MERCK & CO., INC.**

MAILED BY

J. Marshall

DATE

4/20/04